

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF OKLAHOMA

**FILED**

MAY 04 2010

THE CHICKASAW NATION and )  
THE CHOCTAW NATION, )

Plaintiffs, )

vs. )

THE DEPARTMENT OF THE )  
INTERIOR et al., )

Defendants. )

ROBERT D. DENNIS, CLERK  
U.S. DIST. COURT, WESTERN DIST. OF OKLA.  
BY mk DEPUTY

No. CIV-05-1524-W

**ORDER**

This matter comes before the Court on the Motion Regarding the Need for Initial Disclosures, Discovery and Case Management<sup>1</sup> [Doc. 88] filed on February 25, 2010, by the plaintiffs, The Chickasaw Nation and The Choctaw Nations ("Nations"), and on the defendants' Motion for Scheduling order Regarding Litigation of Phase I of this Case [Doc. 98] filed on March 31, 2010. Upon review of the same, the Court

(1) ORDERS as follows:

(a) by agreement of the parties, the litigation of this case shall be divided into phases;

(b) Phase 1 shall address the Nations' trust accounting and trust management claims that pre-date 1946;

(c) the parties shall provide all initial disclosures that relate to the issues in Phase 1 and shall engage in discovery as it relates to all Phase 1 issues; and

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<sup>1</sup>The Nations are REMINDED that the print style for all papers, including footnotes, shall not be less than 13-point type. Rule 7.1(d), Rules of the United States District Court for the Western District of Oklahoma. Papers that do not comply may be summarily stricken.

(d) the jurisdictional basis or bases for such claims as well as any other threshold defenses to these claims shall be addressed first and shall be presented to the Court by way of a motion to dismiss or, in the alternative, a motion for summary judgment filed by the defendants; and

(2) DIRECTS the parties to confer and submit within twenty-one (21) days a proposed scheduling order regarding

(a) the deadline by which Phase 1 initial disclosures shall be made;


(b) the deadline by which Phase 1 discovery shall be completed; and

(c) the dates the defendants' motion to dismiss, or in the alternative, motion for summary judgment, the Nations' response thereto, and the defendants' reply are due;

(3) ADVISES the parties that all remaining phases shall be addressed in subsequent orders of the Court, as appropriate; and

(4) further ADVISES the parties that at this stage of the litigation, the Court intends to conclude each phase of this lawsuit before the next phase commences, but that such decision is subject to reconsideration.

ENTERED this 4th day of May, 2010.

  
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LEE R. WEST  
UNITED STATES DISTRICT JUDGE